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DOUGLAS W CAMERON				FOURSON,G		
IBM CORPORATION			•	ART UNIT		NUMBER
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Please find below and/or attached an Office communication concerning this application or pr ceeding.

**Commissioner of Patents and Trademarks** 

# Office Action Summary

Application No. 08/880,616

Applicant(s)

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Cohen et al.

Examiner

**Gary Fourson** 

Group Art Unit 2755



Responsive to communication(s) filed on Jan 3, 2000	<u> </u>					
∑ This action is FINAL.						
Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.						
A shortened statutory period for response to this action is set to is longer, from the mailing date of this communication. Failure to application to become abandoned. (35 U.S.C. § 133). Extension 37 CFR 1.136(a).	o respond within the period for response will cause the					
Disposition of Claims						
	is/are pending in the application.					
Of the above, claim(s)	is/are withdrawn from consideration.					
☐ Claim(s)						
☐ Claim(s)	<del></del>					
☐ Claims are subject to restriction or election require						
Application Papers						
☐ See the attached Notice of Draftsperson's Patent Drawing	Review, PTO-948.					
☐ The drawing(s) filed on is/are objecte	ed to by the Examiner.					
☐ The proposed drawing correction, filed on						
☐ The specification is objected to by the Examiner.						
☐ The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. § 119						
Acknowledgement is made of a claim for foreign priority u	ınder 35 U.S.C. § 119(a)-(d).					
☐ All ☐ Some* ☐ None of the CERTIFIED copies of	the priority documents have been					
received.						
received in Application No. (Series Code/Serial Num	ber)					
$\hfill\Box$ received in this national stage application from the I	nternational Bureau (PCT Rule 17.2(a)).					
*Certified copies not received:						
Acknowledgement is made of a claim for domestic priority	/ under 35 U.S.C. § 119(e).					
Attachment(s)						
☐ Notice of References Cited, PTO-892						
☐ Information Disclosure Statement(s), PTO-1449, Paper No	(s)					
☐ Interview Summary, PTO-413	_					
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948	8					
☐ Notice of Informal Patent Application, PTO-152						
SEE OFFICE ACTION ON TI	HE FULLUWING PAGES					

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#### **DETAILED ACTION**

This Final rejection is responsive to Amendment C (paper no. 8), mailed January 3, 2000.

### Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said assigned processes" in line 14. There is insufficient antecedent basis for this limitation in the claim. The tasks are "assigned to each of said plurality of local processes," however the tasks not the processes as claimed are assigned.

### Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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4. Claims 1, 2, 4-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron et al. (5,325,526) in view of Admitted Prior Art (Applicant's Specification page 2 line 20 through page 3 line 7).

With respect to claim 1, Cameron et al. teaches computing nodes (processors P1, P2, and P3) with a plurality of local processes (column 2 line 30, "a plurality of computer application programs ...", lines 39-40, "task scheduling system in a multicomputer having nodes ..."; column 7 line 36, "... more than one application program may be loaded on a single node.", lines 53-57, "A partition in the present invention is an object comprising a plurality of items of information and optionally related processing functions for maintaining a logical environment for the execution of tasks of one or more application programs."), scheduler means (scheduler 410, 510, or 612) dynamically creating a prioritized schedule of a plurality of tasks of said more than one application (Partitions acquire the priority of the highest priority application contained, and the current priority may dynamically change, see column 9 lines 56 et. seq. The column 14 lines 33-42: interactive scheduling. In column 15 line 3 Cameron et al. state, "Layers serve as the basis for scheduling ..." Column 15 continues that layers are scheduled in time quanti where one or more applications [and/or sub-partitions] assigned to a particular layer are made active for a time quantum.), allowing execution of tasks of more than one application at the same time (The layer is divided into sets of processing nodes where

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each set is assigned to a particular application, and column 9 lines 26-28 states, "A layer is an arrangement of applications and/or sub-partitions that are scheduled at once across a partition.), a local scheduler (Figure 4 shows and column 5 line 58 through column 7 line 29 elaborates a prior art scheduling system. Column 6 lines 16-21 state, "If another task in a scheduling queue is ready to run, the currently executing task is suspended and the next task in the scheduling queue of the highest priority is activated."), and means for ascertaining which process(es) are assigned to the tasks (Column 9 lines 28-31, "The layer data structure 738 comprises information including identity of the nodes of the partition that are allocated by a list of consumers to which the layer points." The layer data information is used to correspond applications assigned to a set of nodes. The processes of each application in the layer are activated for the execution time quantum, thus in any one time quantum the correlation of tasks to processes is merely based on the distribution of the nodal processing power in that active layer.). However, Cameron et al. does not appear to teach means for prioritizing the processes according to the prioritized schedule.

Applicant has divulged on pages 2-3 that the AIX<sup>TM</sup> operating system assigns a common priority to the process(es) required for (or correlated to) a task. Having the processes, associated with individual tasks, assigned priorities corresponding to the priorities of the schedule would have been a highly desirable feature in the art.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the local scheduling/correlating means of IBM into the task scheduling system of Cameron et al., because prioritizing local processes according to the task correlation would have been expected to result in higher cache preloading efficiency.

With respect to claim 11, Cameron et al. in view of Admitted Prior Art as modified for the rejection of claim 1 teaches the limitations of claim 11 substantially as claimed except providing application information to the scheduler means: Cameron et al. teaches in columns 7 and 8 an allocator and scheduler component (612 and 710). Figure 7 shows procedures (720, 722, 724, 726, 728, 740, 742, and 744) for the Allocator and Scheduler. Block 736 represents application data which inherently must have been transmitted to the allocator/scheduler.

As to claim 2, Cameron et al. in view of Admitted Prior Art as modified for the rejection of claim 1 teaches the limitations of claim 11 substantially as claimed except said computing node comprising an operating system for "receiving input" from the prioritizing means and "directing said assigned processes" to execute tasks in a prioritized order: Cameron et al. in Figures 4 and 5 show a prior art task scheduler. Column 5 last paragraph elaborates stating that each scheduler comprises operating system software responsible for controlling the execution of a plurality of tasks. It would have been

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obvious to one ordinarily skilled in the art at the time the invention was made for the OS to receive information about the execution of the plurality of tasks, because Cameron et al. states in column 6 lines 28-31, "Interactive scheduling using Unix, or other operating systems in a single processor environment, is well known to those of ordinary skill in the art."

As to claim 4, Cameron et al. in view of Admitted Prior Art as modified for the rejection of claims 1 and 2 teaches the limitations substantially as claimed except application coordinator means for communicating information to said scheduler:

Scheduling information must inherently be obtained by some means in order to produce a prioritized list of tasks, however in column 8, Cameron et al. teaches on line 2, "The allocator and scheduler 710 comprises processing logic and data for allocating nodes to specific application programs and for scheduling applications programs for execution."

The "Make Partition" procedure (720) is the request for the allocator/scheduler to initialize tasks which as stated on line 18, "are retrieved and loaded into the nodes associated with the specified partition."

As to claim 5, Cameron et al. in view of Admitted Prior Art as modified for the rejection of claims 1 and 2 teaches the limitations substantially as claimed except said local processes being adapted to perform tasks in parallel: Also, in column 2 on line 50 Cameron teaches that application programs are allowed to execute on one or more nodes

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of a partition. Furthermore, column 7 line 40 states, "...an entire application program is active at once across all of the nodes on which the application program is loaded." The multi-node or multi-processor collaborative effort to the processing of a set of tasks or application program processes is the truest definition of parallel processing. Cameron et al. in column 1 on lines 26 to 30 indicates that multi-tasking, round robin processing, time slicing, or parallel processing was well known to one of ordinary skill in the art at the time the invention was made.

As to claim 6, Cameron et al. in view of Admitted Prior Art as modified for the rejection of claim 1 teaches the limitations substantially as claimed except said scheduler means comprising global scheduler means which in turn comprises means for dynamically scheduling then communicating the schedule to the local scheduler:

Cameron et al. teaches the local nodes are assigned to application programs. The allocator and scheduler 612 act functionally as a "global scheduler" by controlling and assigning the appropriate nodes from a particular layer. Column 7 line 50 states, "As will be described below, allocator and scheduler 612 may and typically does operate with a plurality of partitions 614." In column 9 on line 50, "In the preferred embodiment, partition data blocks and application data blocks can be maintained in the same doubly-linked list." Further down on line 64 it is stated that, "The current priority field 918 may

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dynamically change as the priorities of associated application programs or sub-partitions change priority."

As to claim 7, Cameron et al. in view of Admitted Prior Art as modified for the rejection of claims 1 and 6 teaches the limitations substantially as claimed except said local scheduler being adapted to communicate process information to the global scheduler: Cameron et al. teaches in column 14 lines 12-31 three access modes to the partition data. They are read, write, and execute access modes allowing or disallowing the ability to run application programs from a partition and to create or remove subpartitions from a partition. This information is also available to the allocator/scheduler 710. Also, figure 7 shows application data 736 specifically available to the allocator/scheduler.

As to claim 8, Cameron et al. in view of Admitted Prior Art as modified for the rejection of claims 1 and 6 teaches the limitations substantially as claimed except the global scheduler also comprising timer means to effect schedule communication:

Cameron et al. teaches in column 11 lines 6-11 a time executed field 1021.

As to claim 9, Cameron et al. in view of Admitted Prior Art as modified for the rejection of claims 1 and 6 teaches the limitations substantially as claimed except said global scheduler including a local scheduler address table: Cameron et al. teaches in

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column 13 lines 15-33, "Two hash tables providing a quick look-up mechanism for locating partitions ..."

As to **claim 10**, Cameron et al. in view of Admitted Prior Art as modified for the rejection of claims 1, 2, and 6 teaches the limitations substantially as claimed.

As to claim 12, Cameron et al. in view of Admitted Prior Art as modified for the rejection of claims 1 and 11 teaches the limitations substantially as claimed except invoking operating system priorities to schedule tasks in accordance with said prioritized schedule: The operating system would inherently follow any prioritizing scheme employed by the programmer or else there would not be any need to incorporate the local/global scheduling means in the first place.

As to claim 13, Cameron et al. in view of Admitted Prior Art as modified for the rejection of claims 1 and 11 teaches the limitations substantially as claimed except scheduler means is remote to the node and communicating the schedule to the node:

Cameron et al. shows in Figures 4 and 5 that in prior art methods of task management systems, the Scheduler 410, 510 can be remotely located from the processors. In column 6 lines 32-45 refer specifically to Figure 5 noting that the scheduler arranges an orderly schedule for multiple tasks executing on multiple processors. Line 37 mentions a common memory where the schedule information would be communicated to the three processing nodes.

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As to claim 14, Cameron et al. in view of Admitted Prior Art as modified for the rejection of claims 1, 5, 11, and 12 teaches the limitations substantially as claimed.

As to claim 15, Cameron et al. in view of Admitted Prior Art as modified for the rejection of claims 1, 11, 12, and 14 teaches the limitations substantially as claimed except communicating task execution information to the scheduler: Cameron et al. teaches in column 11 lines 6-11 a time executed field 1021. This "execution information" is part of a process group field 1020 which is updated and available to the scheduler.

As to claim 16, Cameron et al. in view of Admitted Prior Art as modified for the rejection of claims 1, 5, 11, 12, 14, and 15 teaches the limitations substantially as claimed except repeating said steps until all tasks have been completed: Cameron teaches recursive scheduling in column 15 on lines 12-14.

As to claim 18, Cameron et al. in view of Admitted Prior Art as modified for the rejection of claims 16, 11, and 13 teaches the limitations substantially as claimed except said remotely located scheduler dynamically maintaining a computing node's list: Figure 7, Layer Data -738-; Column 9 lines 28-31, "The layer data structure 738 comprises information including identity of the nodes of the partition that are allocated by a list of consumers to which the layer points."

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5. Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron et al. as modified by Applicant's Admitted Prior Art as applied to claims 2 and 14 above, and further in view of Ripps (The Multitasking Mindset Meets the Operating System).

As to claim 3, Cameron et al. in view of Admitted Prior Art as modified for the rejection of claims 1 and 2 teaches the limitations of claim 11 substantially as claimed except the operating system being further adapted to interleave local operations with said tasks: A node or CPU controlled by an operating system would inherently process local operations (e.g. an exception) pertaining to the operating system commands. Ripps teaches on page 9 that C and proprietary OS functions are intermixed in a typical task. Context switches controlled by the operating system are also well known local tasks which are interleaved between the application task execution.

As to claim 17, Cameron et al. in view of Admitted Prior Art as modified for the rejection of claims 1, 3, 5, 11, 12, and 14 teaches the limitations substantially as claimed.

6. Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zolnowsky (5,826,081) in view of Custer (Inside Windows NT) and further in view of Admitted Prior Art (Applicant's Specification page 2 line 20 through page 3 line 7).

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With respect to claims 1 and 11, Zolnowsky teaches a plurality of tasks (threads) of more than one application (Single processor, multitasking operating systems such as Windows NT described by Custer, see page 83 line 3, routinely schedule threads from more than one application. Adding a multiplicity of processors for greater computing capabilities for multiple applications was and has been a highly desirable feature in the multitasking art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to execute a plurality of tasks from more than one application on the multiprocessor system, because the real time applications of Zolnowsky are typically partitionable into schedulable entities or mixed-mode applications, see column 2 lines 35-40.), computing nodes (col. 3 line 52, "multiple processors P1 through Pn"), a plurality of local processes (Zolnowsky defines tasks as the unit of resource management and the thread as a single flow-of-control in column 1 lines 31-34. In column 6 lines 63-65 indicate that some threads are only executable on a particular processor of the multiprocessor assembly. Therefore, there is a process [or task as Zolnowsky has so defined] that is different on that particular processor from other processes on other processors.), providing application information to scheduler means (column 5 lines 26-38), and dynamically creating a prioritized schedule of a plurality of tasks of the more than one application (col. 6 line 45, "Also, when a thread is made runnable, it is placed on a dispatch queue, ..."; col 8 line 66, "Real time threads are

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scheduled strictly on the basis of their priority ...") to allow execution of tasks of more than one application at the same time (Single processor, multitasking operating systems such as Windows NT described by Custer, see page 83 line 3, routinely schedule threads from more than one application.), a local scheduler (column 7 line 15, "Each processor" ..."), and means for ascertaining [determining] which process(es) are assigned [correspondence] to the tasks (In column 6 lines 63-65 indicate that some threads are only executable on a particular processor of the multiprocessor assembly. Therefore, there is a process on that particular processor that is different from other processes on any other processor. Custer teaches on page 84 that a process must be combined with a thread of execution before it can do any work. The thread of execution "is the entity within a process that the NT kernel schedules for execution. Without it, the process's program cannot run." Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate means for ascertaining which process(es) are assigned to the tasks, because Custer recognized without the correlation between processes and threads the process or program would not be able to execute.). However, Zolnowsky as modified by Custer does not appear to teach means for prioritizing the local processes according to the prioritized schedule.

Applicant has divulged on pages 2-3 that the AIX<sup>TM</sup> operating system assigns a common priority to the process(es) required for (or correlated to) a task. Having the

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processes, associated with individual tasks, assigned priorities corresponding to the schedule would have been a highly desirable feature in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the local scheduling/correlating means of IBM into the task scheduling system of Zolnowsky, because prioritizing local processes with the current and next task would have been expected to result in higher cache preloading efficiency.

7. Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boland et al. (5,872,972) in view of Custer (Inside Windows NT) and further in view of Admitted Prior Art (Applicant's Specification page 2 line 20 through page 3 line 7).

With respect to claims 1 and 11, Boland et al. teaches a plurality of tasks (processes) of more than one application (col 4 line 19, "all runnable processes in global run queue 24, ..."), computing nodes (col 3 line 52), a plurality of local processes (col 4 line 21, "processes which have been previously run and are now affinitized to a specific processor." Col 4 line 59, "once a processor runs a process, it would never age away its affinity from that processor."), providing application information to scheduler means (The scheduler 90 obviously takes information from applications or processes to schedule the processes into the global priority queue. In column 3 lines 1-5 processes provide affinity information to the scheduler.), and dynamically creating a schedule of a plurality

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of tasks utilizing priorities (col 4 lines 22-24) to allow execution of tasks of more than one application at the same time (Although Boland does not explicitly refer to the runnable processes in column 4 lines 16-25 as being from a plurality of applications, single processors with multitasking operating systems routinely execute process threads from more than one application. [see Custer, page 83 line 3] Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to actively schedule processes from more than one application on a multi-processor system.), a local scheduler (Column 4 lines 26-31 teach that each 'processor' consults the global queue. Referring to Figure 7, column 7 lines 26-28, "These processes may thereafter be reordered based upon process priority within a nodal priority run queues 71 and 77 ..."), means for ascertaining which process(es) are assigned to the tasks (Custer teaches on page 84 that a process must be combined with a thread of execution before it can do any work. The thread of execution "is the entity within a process that the NT kernel schedules for execution. Without it, the process's program cannot run." Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate means for correlating or ascertaining which process(es) are assigned to the tasks, because Custer recognized without the correlation between processes and threads the process or program would not be able to execute.), and means for prioritizing the processes according to the prioritized schedule (Applicant has

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divulged on pages 2-3 that the AIX<sup>TM</sup> operating system assigns a common priority to the process(es) required for (or correlated to) a task. Having the processes, associated with individual tasks, assigned priorities corresponding to the priorities of the schedule would have been a highly desirable feature in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the local scheduling/correlating means of IBM into the task scheduling system of Cameron et al., because prioritizing local processes according to the task correlation would have been expected to result in higher cache preloading efficiency.).

## Response to Amendment

- 8. Applicant's arguments filed January 3, 2000 have been fully considered but they are not persuasive.
- 9. 35 U.S.C. 103(a) rejection of claims 1 and 11 over Cameron et al. (5,325,526) in view of Admitted Prior Art:

Applicant has amended the independent claims to require the allowance of simultaneous execution of tasks from more than one application at the same time. Cameron et al. states in column 9 lines 26-28, "A layer is an arrangement of applications and/or sub-partitions that are scheduled at once across a partition. The global scheduler assigns certain processors of a layer [col. 16 lines 41-42] to a particular application, and the multiprocessor complex layer allows for more than one application to be assigned to

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the same layer when no nodes are in common. Although only one application may be active on any one node during any one time quantum, the division of a scheduling layer into sets of nodes corresponding to a plurality of applications teaches, as broadly and reasonably interpreted, simultaneous execution of tasks from more than one application at the same time as claimed.

10. 35 U.S.C. 103(a) rejection of claims 1 and 11 over Zolnowsky (5,826,081) in view of Custer (Inside Windows NT) and further in view of Admitted Prior Art:

Applicant argues on page 6 that the Zolnowsky Patent "does not teach means for creating a prioritized schedule of tasks of more than one application," Applicant cites column 7, lines 43-48 that teaches additional functionality allowing any processor to place a thread on any other processor's queue as well as the high priority real time queue, and concludes, "It cannot be maintained, therefore, that the high priority real time queue is a scheduler means which dynamically creates a prioritized schedule which is then used by local schedulers. Applicant also states, "the schedulers (i.e., the one scheduler per processor) do not adhere to a prioritized schedule obtained from a global scheduler."

Firstly, Applicant alleges, "the Zolnowsky patent does not provide at least one local scheduler associated with each the more than one computing nodes ..." Then Applicant states in the next sentence, "there is one scheduler per processor." As noted in the October 1, 1999 rejection of claims 1 and 11, Zolnowsky teaches in column 7 line 15,

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"Each processor 1, 2, ..., N has its own scheduler and dispatch queue as shown in FIG. 5." Secondly, col 8 line 66 states, "Real time threads are scheduled strictly on the basis of their priority ..." The prioritization of local processes according to the global prioritization of tasks occurs during thread switching when a processor is ready for a next thread. [col. 7 line 60] The process of task (and corresponding process) prioritized selection is elaborated in column 8 lines 13-46 and in FIG. 7. Block 701 shows the local scheduler ascertaining whether the global or high priority real time has a thread (thus, process). "The processor dispatcher acquires a lock for the real time queue and takes a highest priority thread at step 702 ..." [col. 8 lines 15-17] The process associated with the real time thread will be assigned a higher priority on the node than other tasks on the local scheduling queue. This clearly teaches the use of a prioritized schedule (of real time tasks of more than one application) by the local schedulers as claimed.

11. 35 U.S.C. 103(a) rejection of claims 1 and 11 over Boland et al. (5,872,972) in view of Custer (Inside Windows NT) and further in view of Admitted Prior Art:

Applicant states on page -9-, "There is no local scheduling entity taught or suggested by Boland." Referring to Figure 7, column 7 lines 14-30 states, "The affinity scheduler system shown in FIG. 7 includes a nodal run queue 70 through 76 for each processor node in addition to the global run queue 80. ... These processes may thereafter be reordered based upon process priority within a nodal priority run queues 71 and 77 ..."

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The reordering does not ignore the priority assigned by the global scheduler, but rather utilizes the assigned priority to dynamically create the local schedule.

#### Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of 12. time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Gary Fourson at telephone number (703) 305-4392 or E-mail at the address gary.fourson@uspto.gov.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

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The fax numbers for formal (703-308-9051), to be intended for entry into the application, or informal (703-305-9731) communications may be utilized for expedited transactions.

The Examiner requests that your amendment response including all pending claims be in paper form accompanied by a 3½ inch IBM format floppy disk which contains a file copy of your amendment response in WordPerfect, Microsoft Word, or in ASCII text format. Only the paper copy will be entered. Your 'electronic' file will be considered a duplicate copy, and signatures are not required on the disk copy. The floppy disk copy is not mandatory, however, your cooperation is appreciated.

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gsf

March 9, 2000